
SENATE BILL No. 100

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-10.

Synopsis: Park board responsibility for shade trees. Allows a city, under the general parks and recreation law, to adopt an ordinance giving the park and recreation board exclusive control over the planting and maintenance of shade trees along the city's public ways. Provides that, in a city that has adopted the ordinance, the park and recreation board may: (1) compel owners of land bordering a public way to plant and maintain shade trees and lawns and street centers; and (2) levy an assessment against the abutting landowners for the cost of the improvement. Makes a technical correction.

Effective: July 1, 2007.

Alting

January 8, 2007, read first time and referred to Committee on Local Government and Elections.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 100

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 36-10-3-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 11.5. (a) This section applies to each city that adopts this section by ordinance.**

(b) The board has exclusive control over the planting, trimming, and maintenance of shade trees along the public ways of the city. The board may:

(1) take over and control the improvement, maintenance, and embellishment of all lawns and street centers in and along the public ways of the city; or

(2) compel the owners of lots and parcels of land bordering on the public ways to plant, trim, protect, and maintain shade trees and to sod, plant, and maintain lawns and street centers after first adopting a resolution showing the public necessity and assessing the cost against the abutting lots and parcels of land.

(c) After adopting a resolution under subsection (b), the board



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1 shall give notice and provide a hearing, with right of remonstrance,
 2 in the same manner as is provided for street and sidewalk
 3 improvements by the works board of the city. However, instead of
 4 letting a contract to the lowest and best bidder, the board may
 5 carry out the improvement with its own employees and charge the
 6 actual cost in the same manner as if a contract were let. The cost
 7 may include a reasonable guaranty but may not, however, exceed
 8 the estimate to be made and placed on file at the time of the
 9 adoption of the resolution.

10 (d) All assessments levied for the improvements are payable in
 11 one (1) payment, without notice, at the next regular taxpaying time
 12 after the completion of the improvement. The assessments are liens
 13 against the separate lots and parcels of land abutting the
 14 improvement. If they are not paid when due, they may be enforced
 15 by foreclosure, after giving notice, in the same manner as
 16 assessments for street and sidewalk improvements.

17 SECTION 2. IC 36-10-4-11 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) The board has
 19 exclusive control over the planting, trimming, and maintenance of
 20 shade trees along the public ways of the city. The board may:

21 (1) take over and control the improvement, maintenance, and
 22 embellishment of all lawns and street centers in and along the
 23 public ways of the city; or

24 (2) compel the owners of lots and parcels of land bordering on the
 25 public ways to plant, trim, protect, and maintain shade trees and
 26 to sod, plant, and maintain lawns and centers after first adopting
 27 a resolution showing the public necessity and assessing the cost
 28 against the abutting lots and parcels of land.

29 (b) After adopting a resolution under subsection (a), the board shall
 30 give notice and provide a hearing, with right of remonstrance, in the
 31 same manner as is provided for street and sidewalk improvements by
 32 the works board of the city. However, instead of letting a contract to the
 33 ~~highest~~ **lowest** and best bidder, the board may carry out the
 34 improvement with its own employees and charge the actual cost in the
 35 same manner as if a contract was let. The cost may include a
 36 reasonable guaranty, but may not, however, exceed the estimate to be
 37 made and placed on file at the time of the adoption of the resolution.

38 (c) All assessments levied for the improvements are payable in one
 39 (1) payment, without notice, at the next regular taxpaying time after the
 40 completion of the improvement. The assessments are liens against the
 41 separate lots and parcels of land abutting the improvement. If they are
 42 not paid when due, they may be enforced by foreclosure, after giving

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1 notice, in the same manner as assessments for street and sidewalk
2 improvements.

3 (d) The board has exclusive control over the establishment and
4 maintenance of public playgrounds, public playfields, public swimming
5 pools, public baths, community centers, and recreation centers in the
6 city. The board shall select directors, assistants, and employees to
7 manage and control the facilities and shall prescribe their duties and fix
8 their compensation. The board may expend the sums from the general
9 park fund for recreation purposes that it considers advantageous to the
10 city.

11 (e) The governing body of the school corporation of the city may
12 permit the use of public school grounds or buildings under its control
13 that are required or adaptable for recreation purposes when that use
14 will not interfere with use for school purposes.

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